



# MINUTES

Kane County Planning Commission  
& Land Use Authority Meeting  
76 North Main Street, Kanab  
**July 11, 2018**

CHAIRMAN: Tony Chelewski

MEMBERS PRESENT: Tony Chelewski, Hal Hamblin, Byard Kershaw, Robert Houston

MEMBERS ABSENT: Dale Clarkson, Wade Heaton, Danny Brown,

EX-OFFICIO MEMBER: Dirk Clayson (ABSENT)

STAFF PRESENT: Shannon McBride, Land Use Administrator, Ade` Nelson, Administrative Assistant, Reid Mann, County Attorney, Ryan Maddux, County Assessor

PUBLIC PRESENT: Charlie Saba and Mark Foley

5:30 PM Work Meeting

6:00 PM Meeting called to order by Tony Chelewski  
Pledge of Allegiance Tony Chelewski  
Prayer Hal Hamblin  
Announcements Tony Chelewski

## **Announcements/Updates:**

Chairman Tony Chelewski said he called Mr. Kempf and he hasn't seen La Paz in a while.

**Motion** was made by Byard Kershaw to approve the **June 13, 2018** minutes. Motion was seconded by Robert Houston. The Chair asked for any questions or comments. Motion passed unanimously.

**Motion** was made by Hal Hamblin to go in and out of public hearing at the call of the chair. Motion was seconded by Robert Houston. The Chair called for the question and the motion passed.

Chairman Chelewski called the commission into public hearing.

Chairman Chelewski called the commission out of public hearing.

**Legislative  
Public Hearing**

**(1.) Conditional Use Permit: Mike Vaccaro**

Conditional Use Permit for no more than thirty (30) ATV-UTV rentals and a souvenir retail store, parcel # I-58, all of lot 58, Movie Ranch Subdivision Unit "A" amended and extended, 795 Movie Ranch Road, , 0.51 acres, Duck Creek Village, Kane County, Utah; submitted by Mike Vaccaro

Tony Chelewski asked Mike Vaccaro about his site plan. Shannon McBride pulls up the site plan that Mike Vaccaro has provided and explains what all of the buildings are and also their current uses.

Mike Vaccaro explains that he has seen an increase in interest in renting UTV's as Duck Creek is continuing to become more and more popular. He will provide top of the line rentals and his main concern is safety.

Hal Hamblin asks Shannon McBride if the parking is sufficient. Shannon confirms that there is sufficient parking as can be seen in the site photos provided in the information packet.

Hal Hamblin asks Shannon if there have been any complaints. Shannon explains that there has not been any complaints and that in the past we have approved 3 conditional use permits for UTV rentals in Duck Creek Village for the same type of commercial use.

Tony Chelewski asks Shannon if there is a requirement for a handicap parking space, Shannon addressed Ryan Maddux and Ryan explained that it will only be required if a new building is constructed, but as it stands what is already existing for parking is in compliance.

There are no further questions.

**MOTION** was made by Robert Houston to recommend approval of the Conditional Use Permit for: Michael Vaccaro, lessee for lot #I-58, Movie Ranch Subdivision, Unit A, Amended and Extended, 795 Movie Ranch Road, Duck Creek Village, Utah on .51 acres, Zoned C-1 zone with the stated conditions in the application. Having determined that the applicable ordinances and statutes have been complied with and that good cause exists for granting the Conditional Use Permit. In the event that any of the conditions of this permit are not followed, the Commission reserves the right to revoke, in whole or in part, the conditional use granted herein. Also a part of the motion is to include the findings as documented in the staff report. Motion was seconded by Hal Hamblin. Motion passed unanimously.

**FINDINGS:** The above application complies with the Kane County Land Use Ordinance, 9-15A-1-6: Conditional Uses. The Commercial 1 zone allows this use through a conditional use permit. The Planning Commission has granted three (3) other conditional use permits for the same use in

the area. All safety issues have been mitigated with ingress and egress going in and out from the back of the property.

Chairman Chelewski called the commission into public hearing

**Administrative  
Public Hearing**

**(2.) Lot Joinder: Elizabeth Bayley**

Swains Creek Pines, Unit 3, amended lot 570 & 571A, becoming new lot 571B, within NW ¼ Section 26, Township 38 South, Range 7 West, Salt Lake; submitted by Platt and Platt, on behalf of Elizabeth Bayley

Chairman Chelewski called the commission out of public hearing.

Shannon McBride is presenting the project for Brent Carter because he is located in Cedar City, but he is available by phone if needed.

Shannon McBride explains that Tom Avant, County Engineer has reviewed and approved the lot joinder, the only change that needs to be made has been corrected to reflect the new lot will be updated on the corrected final plat to reflect the new lot number 571A.

There are no other questions.

**Motion** was made by Byard Kershaw to recommend amending the Swains Creek Pines, Unit 3, Amended, lots 570 & 571A, becoming new lot 571A, for Elizabeth Bayley based on the findings documented in the staff report. Motion was seconded by Hal Hamblin. Motion passed unanimously

**FINDINGS:** Amending (joining) the above stated lots conform to the standards in the Kane County Land Use Ordinance, 9-21E-9, A-F. Utah Code Sections §17-27a-201, 202, 206 & §17-27a-608 & 609 requirements have all been met. The project has been posted in three public places, noticed in the local newspaper, and on the county and state websites. Notices were mailed out to all property owners within 500 feet of the project. Combining these lots is in compliance with all state and local ordinances.

**Legislative  
Public Hearing**

**(3.) Kane County Land Use Ordinance: O 2018-7**

Proposed revisions to the Kane County Land Use Ordinance: (9-1-8) Chapter 1, Inspection; (9-6A-6) Chapter 6, Uses Table, addition of “campground/ glamp-ground” and “recreational vehicle park” as non-permitted uses in all residential zones; submitted by Shannon McBride

Chairman Chelewski called the commission into public hearing.

Shannon McBride explains that the reason we are asking to list “campground/ glamp-ground” and “recreational vehicle park” in the uses table with a “-” (dash). This will clear up any confusion and help the public see that campgrounds/ glamp-grounds and recreational vehicle parks are not an allowed use in residential zoned lots.

Charlie Saba says he thinks it's a great idea to spell it out so specifically.

Shannon McBride explains the current language for "inspection" and how it reads limits our ability to regulate and enforce our land use ordinances.

Reid Mann explains that the current ordinance and what the difference would mean.

The newly proposed ordinance will adopt Utah State code verbiage (17-27a-303), which will state; The Kane County Land Use Authority or any authorized employee of Kane County may enter upon any land at reasonable times to make examinations and surveys pertinent to the: (1) preparation of its general plan; or (2) preparation or enforcement of its land use ordinances.

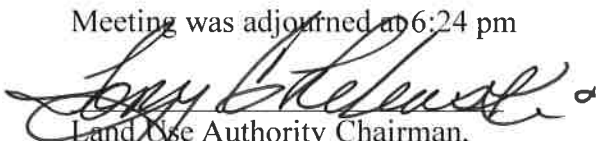
All agree that it would be a good idea to match state code, and allow the Land Use Authority the authority to preform inspections when legally allowed to do so.

Chairman Chelewski called the commission out of public hearing.

**Motion** was made by Hal Hamblin to approve Kane County Land Use Ordinance No. O 2018-7 to the Kane County Commission, (9-1-8) Title 9, Chapter 1, Inspection; (9-6A-6) Title 9 Chapter 6, Uses Table, addition of "campground/ glamp-ground" and "recreational vehicle park" as non-permitted uses in all residential zones. Motion was seconded by Robert Houston. Motion passed unanimously.

**Motion** was made by Robert Houston to adjourn the meeting. Motion was seconded by Hal Hamblin. The Chair asked for any questions or comments. Motion passed unanimously.

Meeting was adjourned at 6:24 pm

  
Land Use Authority Chairman,  
Tony Chelewski

  
Administrative Assistant,  
Adé Nelson